

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 35-48 are currently pending in this application. Claims 1-34 are canceled without prejudice. New claims 35-48 are added. No new matter has been added.

Claim Rejections - 35 USC §112

Claim 2 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 is canceled, therefore, this rejection is moot.

Claim Rejections - 35 USC §103

Claims 2, 7 and 25 are rejected under U.S.C. 103(a) as being unpatentable over 2005/0198199 to Dowling (hereinafter “Dowling”) in view of 2007/0202877 to Hogan et al. (hereinafter “Hogan”).

Claims 2, 7 and 25 are cancelled, therefore, the rejection is moot.

Nothing in the combination of Dowling and Hogan teaches, suggests or discloses “a server connected to the Internet and coupled to a database wherein the database is configured to contain information regarding available channels” and “a processor configured to determine whether to switch to a second communication interface based on the information received from the database regarding the available channels.”

Dowling teaches communications between a wireless client and a remote server. A wireless client downloads new submodules that include communication protocol software in order to communicate with the remote server. While Dowling teaches the remote server maintaining a listing of the submodules loaded on the wireless client Dowling does not teach a database “configured to contain information regarding available channels.” Moreover, Dowling teaches the server determines whether or not the client needs a submodule to communicate and either pushes the module to the client or sends a message to the client to download the submodule. In Dowling the client does not make the determination of which modules it should access and Dowling does not teach a WTRU determining “whether to switch to a second communication interface based on the information received from the database regarding the available channels.”

Hogan is cited as teaching a listing of base stations that border a first wireless system. Hogan does not teach, suggest or disclose a database “configured to contain information regarding available channels” and does not cure the defects of Dowling. Therefore, nothing in the combination of Dowling and Hogan suggests the above argued elements of claim 35. Claim 42 is not identical to claim 35, but recites similar elements to claim 35. Claim 42 is non-obvious over the combination of Dowling and Hogan for similar reasons to those set forth above with regards to claim 35.

Applicant: Heller et al.
Application No.: 09/871,154

Claims 36-41 and 43-48 are non-obvious over Dowling and Hogan at least by their dependency upon independent claims 35 and 42.

Based on the arguments presented above, withdrawal of the 35 USC §103 rejection is respectfully requested.


Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Heller et al.

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